

REMARKS

Applicants appreciate the detailed examination evidenced by the Office Action mailed April 21, 2009 (hereinafter "Office Action"). Applicants have amended the claims as set out above. Accordingly, Applicants respectfully submit that the pending claims are patentable over the cited references for at least the reasons discussed herein.

The Section 101 Rejections

Claims 1, 2 and 4-39 stand rejected under 35 U.S.C. § 101 because the claimed invention is not directed to statutory subject matter. *See* Office Action, pages 2-3. While Applicants do not concede that the methods recited in Claims in 1-2 and 4-39 are non-statutory, to advance prosecution and to facilitate an early allowance of the present application Applicants have amended independent Claims 1, 9, 16, 23 and 30 to clarify that the method operations are performed on at least one data processing system. Applicants submit, therefore, that Claims 1, 2 and 4-39 qualify as statutory subject matter under 35 U.S.C. §101 and, therefore, respectfully request withdrawal of the § 101 rejections with respect to these claims for at least these reasons.

The Section 102 Rejections

A. Claims 16, 18-22 and 52 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Publication No. 2002/0147638 to Banerjee et al. (hereinafter "Banerjee"). *See* Office Action, page 3. Applicants respectfully submit that many of the recitations of these claims are neither disclosed nor suggested by Banerjee. For example, independent Claim 16 recites:

A method of **generating demographic data for residents of a residence for use in selecting video content for presentation to the residents**, comprising:
performing on at least one data processing system operations as follows:
collecting information on activity schedules of the residents of the household;
analyzing the activities reflected in the collected information; and
selecting video content for presentation to the residents on a television based on the analysis of the collected information.

Independent Claim 52 contains corresponding system recitations. Applicants respectfully submit that at least the highlighted recitations of Claim 16 are neither disclosed nor suggested by Banerjee for at least the reasons discussed herein.

The Office Action points to paragraph 119 of Banerjee as teaching all the recitations of Claim 16. See Office Action, page 3. The cited portions of Banerjee state:

[0119] Thus, when a consumer registers with the advertisement provider computer 18, **the registration module 60 displays an HTML document which prompts the consumer to enter demographic data.** The demographic data can contain a wide variety of information, including, but not limited to, age, gender, income, career, interests, hobbies, consumer preferences, the account number of the consumer's Internet provider, other account information, etc. **Once the consumer enters the demographic data, the registration module 60 stores the demographic data as a profile in the registration database 68.** Alternatively, the demographic data can be collected over time by tracking the consumer's choice of content providers, tracking responses to advertisements, and the like.

Banerjee, paragraph 119 (emphasis added). In other words, the cited portion of Banerjee discusses using methods of collecting demographic data to tailor advertisements to a consumer. Applicants do not claim that tailoring advertisements to a user is new. However, Claim 16 recites "generating demographic data...for use in selecting video content for presentation to the residents." Nothing in Banerjee discusses generating demographic data, Banerjee merely discusses using demographic data provided by the consumer. Furthermore, Claim 16 recites "collecting information **on activity schedules of the residents** of the household." Nothing in the cited portion of Banerjee discusses activity schedules associated with the residents of a household.

Furthermore, Claim 16 recites "analyzing the activities reflected in the collected information" and "**selecting video content for presentation to the residents on a television based on the analysis of the collected information.**" Nothing in the cited portion of Banerjee discusses video content for presentation to the residents as recited in Claim 16. Accordingly, since anticipation requires that every element of the claims be taught in the cited reference, Applicants respectfully submit that independent Claim 16 and the claims that depend therefrom are patentable over Banerjee for at least the reasons discussed herein.

As discussed above, independent Claim 52 contains corresponding system recitations to the recitations of independent Claim 16. Accordingly, Applicants respectfully submit that

independent Claim 52 is patentable over Banerjee for at least the reasons discussed above with respect to independent Claim 16.

B. Claims 40-43, 46 and 47 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 7,085,747 to Schaffer et al. (hereinafter "Schaffer"). See Office Action, page 5. Applicants respectfully submit that many of these claims are neither disclosed nor suggested by Schaffer. For example, Independent Claim 40 recites:

A home management system, comprising:
a central repository of residence information;
a family information manager configured to provide access to the central repository of residence information; and
a plurality of home management application programs configured to retrieve information from and/or store information in the central repository.

Applicants respectfully submit that at least the highlighted recitations of Claim 40 are neither disclosed nor suggested by Schaffer for at least the reasons discussed herein.

In particular, the Office Action points to Schaffer as teaching all the recitations of Claim 40 (Office Action, page 5), unlike the previous Office Action, which admitted that Schaffer did not teach "providing access to the central repository of residence information." See Office Action of 10/22/08, page 15. In particular, the present Office Action points to the "personal schedule modification system 920" of Schaffer as teaching the central repository of residence information as recited in Claim 40. See Office Action, page 5. Applicants respectfully disagree. In particular, Schaffer discusses using the personal schedule of a single user to modify the recommendation functions of media events. See Schaffer, Abstract. The Office Action points to column 7, lines 10-14, column 9, lines 9-11 and line 15 (Figure 9, 910 and 920) and column 11, lines 34-58 as teaching all the recitations of independent Claim 40. See Office Action, page 5. As discussed in Schaffer:

...The personal schedule module either receives personal scheduling data (of correlations between user scheduling preferences and events) directly input by the user or detects and records correlations between user actions, such as turning on and off the TV set, and media programming events...

...The Personal Schedule Module 910 contains the personal schedule data of the user, which is used by the Personal Schedule Modification System 920 to modify the Fuzzy-Now Recommendation Functions 870 in order to create Final Recommendation Functions 930...

...Personal Schedule Module may use some of the functionality of the 3-way system to monitor user 300, or to generate and update the personal schedule. User 300 is monitored by sensors directly connected to the media presentation system and/or placed separately from the media presentation system. The events, or incidents, in the personal schedule of the user are monitored by these sensors in order either to augment or to generate the personal schedule...

By contrast, in FIG. 11B, the recommendation function 1110B of the channel 15 event, the game show, has a lower value at point in time 1100 than the recommendation function 1120B of the channel 7 event, the news program. **As discussed above, this is because the incident history shows that when the user comes home later than 7:00 p.m. (as indicated by, e.g., the turning on of the TV), the user prefers to watch the news program on channel 7, because the user has missed the previously broadcast news programs.** Therefore, the system applies a weighting factor to the Fuzzy-Now function for the channel 7 news program when generating the recommendation functions. This weighting factor will increase the value of the recommendation function 1120B of the channel 7 news show. In FIG. 11B, the system has registered the fact that the user has come home after 7:00 p.m., so the system applies an additional weighting factor (which is greater than 1) to the recommendation function 1120B of the channel 7 news program. This additional weighting factor brings the recommendation value of the news program at point in time 1100 to over 66, in comparison to being around 40 in FIG. 11A. This insures that the channel 7 news program will be recommended over almost all other programming by the system. It is also possible that the additional weighting factor could diminish one or more events, or increase some events but decrease others.

See Schaffer, column 7, lines 10-14, column 9, lines 9-11 and 24-30 and column 11, lines 34-58 (emphasis added). The cited portions of Schaffer discuss the use of a single user's personal schedule to fine tune the "final recommendations" made to the user for viewing at a particular point in time. These "final recommendations" can be based partially on information contained in the personal schedule module 910. *See also, Schaffer, Figure 9 and related text.* The Personal Schedule Modification system 920 of Schaffer uses the data from the personal schedule module 910 of the single user to modify the Fuzzy-Now Recommendation Functions 870 in order to create Final Recommendation Functions 930. In stark contrast, Claim 40 recites "a central repository of residence information" and a family information manager configured to provide access to the central repository of residence information." Thus, Claim 40 is directed to multiple people, a family. Furthermore, Claim 40 recites "a plurality of home management application programs configured to retrieve information from and/or store information in the central repository." Nothing in the cited portions of Schaffer discloses or suggests more than application (TV) as recited in Claim 40.

Accordingly, since anticipation requires that there be no difference between the cited reference and the recitations of the claims, Applicants respectfully submit that independent Claim 40 and the claims that depend therefrom are patentable over Schaffer for at least the reasons discussed herein.

The Section 103 Rejections

A. Claims 1-2 and 50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schaffer, in view of United States Patent Publication No. 2001/0021669 to Gabai et al. (hereinafter "Gabai"). *See* Office Action, page 8. Applicants respectfully submit that many of the recitations of these claims are neither disclosed nor suggested by the cited combination. For example, Claim 1 recites:

A method of controlling a component of a home management system at a residence, comprising:
performing on at least one data processing system operations as follows:
determining resident activities of a resident of the residence; and
controlling the component based on the determined resident activities of the resident, wherein controlling the component comprises:
selecting a video insertion to replace a commercial advertising portion of a video stream based on the determined activities of the resident;
detecting a commercial advertising portion of the video stream; and
replacing the detected commercial advertising portion of the video stream with the selected video insertion so as to provide a composite video stream containing primary content portions and the selected video insertion.

Independent Claim 50 includes corresponding system recitations to the highlighted recitations of independent Claim 1. Applicants respectfully submit that at least the highlighted recitations of Claim 1 are patentable over the cited combination for at least the reasons discussed herein.

The Office Action admits that Schaffer fails to disclose the highlighted recitations of independent Claim 1. *See* Office Action, page 8. However, the office Action points to Gabai as providing the missing teachings. *See* Office Action, page 8. In particular, the Office Action points to paragraph 1466 of Gabai as providing the missing teachings (*See* Office Action, page 8). Applicants respectfully disagree. Gabai is directed to an "I*Doll" as recited in the title. In general, Gabai discusses a method for controlling a toy. *See* Gabai, Abstract. The cited portion of Gabai states:

[1466] Behaviors decompose into Content and Advertisements. Parents and Children will not be aware of this decomposition. The behaviors they receive contain no information about it. This is just like TV. Broadcast technology is transparent to the insides of what is being aired. Video editing software is aware of the distinction. It might provide special tools for composing video from ads and content. The LOIS design is similar. At the Toy Maker and Advertiser sites content is distinct from advertisements: different logs are kept for each, content is usually purchased as a Behavior Subscription while advertisements are not, and other differences. But this information never enters the Toy Maker<=>Client Installations extranet. This does not mean that children and parents will never know what is an ad and what is content. Television stations choose (mostly) to tell viewers when switching between the two. It is considered appropriate, and is also considered the Right Thing(r) in the LOIS context. Toy Makers and Advertisers may agree to more subtle forms of advertisement, but these cannot be too subtle, or they will annoy parents and children.

See Gabai, paragraph 1466 (emphasis added). The cited portion of Gabai is a general discussion of Content vs. Advertisement (1465) in the context of the toys discussed in Gabai. Thus, Gabai does not provide the teachings admitted to be absent from Schaffer on page 8 of the Office Action.

Furthermore, Shaffer discusses using an electronic programming guide (EPG) and a user's schedule to suggest a list of suggested programs to be viewed by a user during a particular time period. Thus, Shaffer uses a single user's schedule to provide a list of recommended programs for the user to watch when the user is available. Accordingly, Applicants respectfully submit that the combination of Gabai and Schaffer would not be obvious to one of skill in the art as suggested in the Office Action without using Applicants' disclosure as a road map. In particular, as discussed above, Schaffer discusses using the personal schedule of a single user to modify the recommendation functions of media events. See Schaffer, Abstract. Gabai discusses a toy. The Office Action states that it would be obvious to combine these references "to add selection and replacement of video insertion to the system of Schaffer." See Office Action, page 9. However, Schaffer merely discusses new inputs to a fuzzy-now function that may allow a list of recommended programs to be tailored to a user when the user is available to watch them. Nothing in Schaffer even discusses replacement of any portion of any of the media presented. Accordingly, Applicants respectfully submit that nothing in the recommendation patent of Schaffer or in the toy patent of Gabai would make the combination of these two references obvious. Thus, it is clear that Applicants' disclosure was used a road map to combine these documents, which is clearly

improper. Accordingly, Applicants respectfully submit that amended Claim 1 and the claims that depend therefrom are patentable over the cited combination for at least these reasons.

Independent Claim 50 contains corresponding system recitations to the recitations of independent Claim 1. Accordingly, Applicants respectfully submit that independent Claim 50 is patentable over the cited combination for at least the reasons discussed above with respect to independent Claim 1.

B. Claims 4-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schaffer, in view of Gabai, and in further view of United States Patent Publication No. 2002/0120498 to Gordon (hereinafter "Gordon"). *See* Office Action, page 9. Applicants respectfully submit that dependent claims 4-8 are patentable over the cited combination at least per the patentability of the independent base claims from which they depend.

C. Claims 9-10 and 51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schaffer, in view of United States Patent No. 6,756,997 to Ward et al. (hereinafter "Ward"). *See* Office Action, page 11. Applicants respectfully submit that many of the recitations of these claims are neither disclosed nor suggested by Lord. For example, amended independent Claim 9 recites:

A method of displaying a video stream containing commercial advertising portions and primary content portions on a television at a residence, comprising: performing on at least one data processing system operations as follows: detecting a commercial advertising portion of the video stream; and replacing the detected commercial advertising portion of the video stream with a video stream from a source component located at the residence so as to provide a composite video stream containing primary content portions and at least one locally generated portion, wherein the locally generated portion is not an advertisement.

Independent Claim 51 contains corresponding system recitations. Applicants respectfully submit that at least the highlighted recitations of Claim 9 are neither disclosed nor suggested by the cited combination for at least the reasons discussed herein.

The Office Action admits that Schaffer does not disclose or suggest the highlighted recitations of Claim 9, but points to column 31, lines 18-31 of Ward as teaching all the

recitations of Claim 9. *See* Office Action, page 12. Applicants respectfully disagree. The cited portion of Ward states:

At the viewer's option, the EPG and Profile Program use the basic viewer profile data, the simple statistics collected about a particular viewer, Viewer Preferences and Viewer Characteristics **to search for news stories that are likely to suit the viewer's interests. The problem that is solved is automatically (without an editorial staff) choosing news stories from multiple news feeds for display to a particular viewer in a news service.** The content of the audio portion of the news broadcast is digitized and can be stored at a central computer, on one or more web sites, on DVD's (both video and audio recordings) local to the particular viewer's television system, or in memory at the particular viewer's television system. In addition to the audio content, video recordings of the news stories can also be stored.

Ward, column 30, lines 18-31 (emphasis added). In other words, Ward discusses using a viewer's profile to automatically choose stories that would be suitable to the viewer and possibly storing the chosen stories. In stark contrast, Claim 9 recites detecting a commercial advertising portion of **the video stream** and **replacing** the detected commercial advertising portion of **the video stream with a video stream** from a source component located **at the residence** so as to provide **a composite video** stream containing primary content portions and at least one locally generated portion, **wherein the locally generated portion is not an advertisement.** Nothing in Ward discusses replacing a commercial advertising portion of a video stream with **a locally generated video stream** that is not an advertisement, for example, a local camera output (Claim 10) or a baby monitor (Claim 11). Accordingly, Applicants respectfully submit that independent Claim 9 and the claims that depend therefrom are patentable over the combination of Lord and Schaffer for at least the reasons discussed herein.

Independent Claim 51 contains corresponding system recitations to the recitations of independent Claim 9. Accordingly, Applicants respectfully submit that independent Claim 51 is patentable over the cited combination for at least the reasons discussed above with respect to independent Claim 9.

D. Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Schaffer, in view of Ward, and further in view of U.S. Patent No. 6,097,441 to Allport (hereinafter "Allport"). *See* Office Action, page 13. The dependent claims are patentable at least per the patentability of the independent base claims from which they depend.

Accordingly, Applicants respectfully request withdrawal of the rejections with respect to dependent Claim 11 for at least these reasons.

E. Claims 12-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schaffer, in view of Ward, in view of U.S. Patent No. 6,944,877 to Lord (hereinafter "Lord"), and further in view of Banerjee. *See* Office Action, page 14. The dependent claims are patentable at least per the patentability of the independent base claims from which they depend. Accordingly, Applicants respectfully request withdrawal of the rejections with respect to dependent Claims 12 and 14 for at least these reasons.

F. Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Schaffer, in view of Ward, and further in view of Gabai. *See* Office Action, page 15. The dependent claims are patentable at least per the patentability of the independent base claims from which they depend. Accordingly, Applicants respectfully request withdrawal of the rejections with respect to dependent Claims 12 and 14 for at least these reasons.

G. Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Banerjee, in view of Schaffer. *See* Office Action, page 16. The dependent claims are patentable at least per the patentability of the independent base claims from which they depend. Accordingly, Applicants respectfully request withdrawal of the rejections with respect to dependent Claims 12 and 14 for at least these reasons.

H. Claims 23, 25-28 and 53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Banerjee, in view of Ward. *See* Office Action, page 16. Applicants respectfully submit that many of the recitations of these claims are neither disclosed nor suggested by the combination of Banerjee and Ward. For example, independent Claim 23 recites:

A method of **determining a user of a video display device**, comprising:
performing on at least one data processing system operations as follows:
collecting information on activity schedules of the residents of the residence;
and
identifying at least one of the residents of the residence as the user of the video display device based on the collected information.

Independent Claim 53 contains corresponding system recitations. Applicants respectfully submit that at least the highlighted recitations of Claim 23 are neither disclosed nor suggested by the combination of Banerjee and Ward for at least the reasons discussed herein.

The Office Action points to paragraphs 36, 67 and 52 of Banerjee as providing all of the teachings of independent Claim 23 except the identifying step highlighted in Claim 23 above. *See* Office Action, pages 16-17. Applicants respectfully disagree. As discussed in paragraph 36 of Banerjee, the user "registers" and is provided a "unique member code." Thus, there is no need for Banerjee to determine "a user of a video display device" as recited in Claim 23 of the present application because the user in Banerjee identifies himself/herself. Nothing in Ward provides the missing teachings. Accordingly, Applicants respectfully submit independent Claim 23 and the claims that depend therefrom are patentable over the cited combination for at least these reasons.

Furthermore, the Office Action admits that nothing in Banerjee discloses or suggests identifying at least one of the residents of the residence as the user of the video display device based on the collected information as recited in Claim 23, but points to Ward as providing the missing teachings. *See* Office Action, page 17. The cited portion of Ward states:

Further, the types of interactions in both sets of circumstances are analyzed. In this way, the Profile Program determines Viewer Characteristics relating to, among other things: attention span; general interest in product advertisements; interest in specific types of product information; propensity for impulse buying; correlation of impulse buying habits to price ranges, product types, and advertising formats; interest in recording and/or watching future-scheduled programs; interest in accessing additional levels of information concerning television programs; and interest in accessing additional levels of information concerning product advertisements including the correlation of such interest with the Viewer Preferences. Over time, with sufficient data, the EPG characterizes the viewer's sense of humor, chronological age, activity age, whether the viewer is married, whether the viewer has children, whether the viewer has a pet and what type of pet the viewer likely has, whether the viewer is interested in buying a particular type of appliance, whether the viewer is considering buying a car, the viewer's likely political affiliations, and a broad range of various other Viewer Characteristics.

Ward, column 30, lines 1-31. Applicants respectfully submit that the cited portion of Ward merely discusses a listing of "viewer characteristics" and says nothing with respect to "identifying at least one of the residents of the residence as the user of the video display device based on the collected information as recited in Claim 23. Nothing in Banerjee provides the missing teachings. Accordingly, Applicants respectfully submit independent Claim 23 and the claims that depend therefrom are patentable over the cited combination for at least these reasons.

Independent Claim 53 contains corresponding system recitations to the recitations of independent Claim 23. Accordingly, Applicants respectfully submit that independent Claim 53 is patentable over the cited combination for at least the reasons discussed above with respect to independent Claim 23.

I. Claims 24 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Banerjee, in view of Ward, and further in view of Schaffer. *See* Office Action, page 18. The dependent claims are patentable at least per the patentability of the independent base claims from which they depend. Accordingly, Applicants respectfully request withdrawal of the rejections with respect to dependent Claims 12 and 14 for at least these reasons.

J. Claims 30, 37-39 and 54 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schaffer, in view of Ward. *See* Office Action, page 19. Applicants respectfully submit that many of the recitations of these claims are neither disclosed nor suggested by the cited combination. For example, Independent Claim 30 recites:

A method of controlling components in a home management system, comprising:
performing on at least one data processing system operations as follows:
maintaining a central repository of residence information for use by more than one component of the home management system; and
determining an action to control a component of the home management system based on an analysis of residence information maintained in the central repository.

Independent Claim 54 contains corresponding system recitations. Applicants respectfully submit that at least the highlighted recitations of independent Claim 30 are neither disclosed nor suggested by the cited combination.

The Office Action points to column 7, lines 10-14, column 9, lines 9-11 and line 15 (Figure 9, 910 and 920) and column 11, lines 34-58 as teachings all the recitations of independent Claim 40. *See* Office Action, page 5. As discussed in Schaffer:

...The personal schedule module either receives personal scheduling data (of correlations between user scheduling preferences and events) directly input by the user or detects and records correlations between user actions, such as turning on and off the TV set, and media programming events...

...The Personal Schedule Module 910 contains the personal schedule data of the user, which is used by the Personal Schedule Modification System 920 to modify the Fuzzy-Now Recommendation Functions 870 in order to create Final Recommendation Functions 930...

...Personal Schedule Module may use some of the functionality of the 3-way system to monitor user 300, or to generate and update the personal schedule. User 300 is monitored by sensors directly connected to the media presentation system and/or placed separately from the media presentation system. The events, or incidents, in the personal schedule of the user are monitored by these sensors in order either to augment or to generate the personal schedule...

By contrast, in FIG. 11B, the recommendation function 1110B of the channel 15 event, the game show, has a lower value at point in time 1100 than the recommendation function 1120B of the channel 7 event, the news program. **As discussed above, this is because the incident history shows that when the user comes home later than 7:00 p.m. (as indicated by, e.g., the turning on of the TV), the user prefers to watch the news program on channel 7, because the user has missed the previously broadcast news programs.** Therefore, the system applies a weighting factor to the Fuzzy-Now function for the channel 7 news program when generating the recommendation functions. This weighting factor will increase the value of the recommendation function 1120B of the channel 7 news show. In FIG. 11B, the system has registered the fact that the user has come home after 7:00 p.m., so the system applies an additional weighting factor (which is greater than 1) to the recommendation function 1120B of the channel 7 news program. This additional weighting factor brings the recommendation value of the news program at point in time 1100 to over 66, in comparison to being around 40 in FIG. 11A. This insures that the channel 7 news program will be recommended over almost all other programming by the system. It is also possible that the additional weighting factor could diminish one or more events, or increase some events but decrease others.

See Schaffer, column 7, lines 10-14, column 9, lines 9-11 and 24-30 and column 11, lines 34-58 (emphasis added). The cited portions of Schaffer discuss the use of a user's personal schedule to fine tune the "final recommendations" made to the user for viewing at a particular point in time. These "final recommendations" can be based partially on information contained in the personal schedule module 910. In stark contrast, Claim 30 recites "maintaining a central repository of residence information for use by more than one component of the home management system and determining an action to control a component of the home management system based on an analysis of residence information maintained in the central repository." Nothing in the cited portion of Schaffer discloses or suggests more than one component (TV) as recited in Claim 30 or a central repository as recited in Claim 30.

The Office Action points to Paragraph 31 of Ward as providing these teachings. *See* Office Action, page 19. Applicants respectfully point out that Ward does not have paragraph number and assume the Office Action intended to cite column 31, lines 18-31 as cited with respect to Claim 9 above. As discussed above, the cited portion of Ward discusses using a viewer's profile to automatically choose stories that would be suitable to the viewer and possibly storing the chosen stories. Applicants fail to see where the cited portion of Ward discusses more than one viewer. Accordingly, Applicants respectfully submit that independent Claim 23 and the claims that depend therefrom are patentable over the cited combination for at least the reasons discussed herein.

Independent Claim 54 contains corresponding system recitations to the recitations of independent Claim 23. Accordingly, independent Claim 54 is patentable over the cited combination for at least the reasons discussed above with respect to independent Claim 23.

K. Claim 31 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Schaffer, in view of Ward, and further in view of Banerjee. *See* Office Action, page 21. The dependent claims are patentable at least per the patentability of the independent base claims from which they depend. Accordingly, Applicants respectfully request withdrawal of the rejections with respect to dependent Claims 12 and 14 for at least these reasons.

L. Claim 32 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Schaffer, in view of Ward, and further in view of Gabai. *See* Office Action, page 21. The dependent claims are patentable at least per the patentability of the independent base claims from which they depend. Accordingly, Applicants respectfully request withdrawal of the rejections with respect to dependent Claims 12 and 14 for at least these reasons.

M. Claim 33 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Schaffer, in view of Ward, in view of Gabai, and further in view of Gordon. *See* Office Action, page 22. The dependent claims are patentable at least per the patentability of the independent base claims from which they depend. Accordingly, Applicants respectfully request withdrawal of the rejections with respect to dependent Claims 12 and 14 for at least these reasons.

N. Claims 34 and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schaffer, in view of Ward, in view of Gabai, in view of Gordon, and further in view of Banerjee. *See* Office Action, page 23. The dependent claims are patentable at least per the patentability of the independent base claims from which they depend. Accordingly, Applicants respectfully request withdrawal of the rejections with respect to dependent Claims 12 and 14 for at least these reasons.

O. Claim 36 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Schaffer, in view of Ward, in view of Gabai, and further in view of U.S. Patent Publication No. 2003/0135853 to Goldman et al. (hereinafter "Goldman"). *See* Office Action, page 25. The dependent claims are patentable at least per the patentability of the independent base claims from which they depend. Accordingly, Applicants respectfully request withdrawal of the rejections with respect to dependent Claims 12 and 14 for at least these reasons.

P. Claims 44 and 45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schaffer, in view of Goldman. *See* Office Action, page 26. The dependent claims are patentable at least per the patentability of the independent base claims from which they depend. Accordingly, Applicants respectfully request withdrawal of the rejections with respect to dependent Claims 12 and 14 for at least these reasons.

Q. Claims 48 and 49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schaffer in view of Examiner's Official Notice. *See* Office Action, page 27. The dependent claims are patentable at least per the patentability of the independent base claims from which they depend. Accordingly, Applicants respectfully request withdrawal of the rejections with respect to dependent Claims 12 and 14 for at least these reasons.

Combination of References

Applicants would like to make a general note that the sheer number of combinations of references set out in the Office Action to reject only 53 pending claims leads one to believe the subject matter of the pending claims is not obvious in view of the cited references.

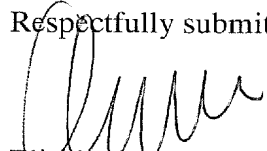
Many of the Dependent Claims are Separately Patentable

As a general note, the dependent claims are separately patentable over the cited references, however, as each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicants do not believe that it is necessary to argue the allowability of each dependent claim individually. Applicants do not necessarily concur with the interpretation of these claims, or with the bases for rejection set forth in the Office Action. Applicants therefore reserve the right to address the patentability of these claims individually as necessary in the future.

CONCLUSION

As all of the claims are now in condition for allowance, Applicants respectfully request allowance of the claims and passing of the application to issue in due course. Applicants urge the Examiner to contact Applicants' undersigned representative at (919) 854-1400 to resolve any remaining formal issues.

Respectfully submitted,

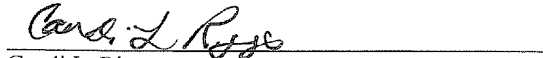


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CERTIFICATION OF TRANSMISSION

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Candi L. Riggs